

Marshall, MN

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**COUNTY OF LYON, MINNESOTA
Employer**

and

Case 18-WH-26

**LAW ENFORCEMENT LABOR
SERVICES, INC.
Petitioner**

**CERTIFICATION OF REPRESENTATIVE AS BONA FIDE
UNDER SECTION 7(B) OF THE FAIR LABOR STANDARDS ACT OF 1938**

On April 14, 2011, Law Enforcement Labor Services, Inc. filed with the Regional Director for Region 18 of the National Labor Relations Board a request for certification of representative as bona fide under Section 7(b) of the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. Section 207(b).

On April 15, 2011, the Regional Director for Region 18 served on the parties an Order to Show Cause why the Board should not grant the request. No response was filed. As the Region's investigation revealed that the Petitioner is the recognized collective-bargaining representative of the unit employees,¹ the Regional Director recommended to the Board that the requested certification be granted.

No party having shown cause why the requested certification should not be issued, the National Labor Relations Board certifies that Law Enforcement Labor

¹ The record reveals that the State of Minnesota Bureau of Mediation Services issued a Corrected Certification of Exclusive Representative on February 25, 2009, certifying the Union as the exclusive bargaining representative of the employees in the unit and that the parties are in the process of negotiating their first collective-bargaining agreement.

Services, Inc. is a bona fide representative, for purposes of Section 7(b) of the FLSA, of employees of the County of Lyon, Minnesota in the following bargaining unit:²

All essential non-licensed employees employed by the Lyon County Sheriff's Department, Marshall, Minnesota who are public employees within the meaning of Minn. Stat. § 179A.03 subd. 14, excluding supervisory, confidential and all other employees.

Dated, Washington, D.C., June 30, 2011.

By direction of the Board:

Lester A. Heltzer

Executive Secretary

² A certification of representative as bona fide for purposes of the FLSA does not necessarily establish the right of the organization so certified to be recognized as the exclusive bargaining representative of employees within a particular bargaining unit under the provisions of the National Labor Relations Act. See *County of Alameda*, 322 NLRB 614 (1996).